

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
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Ex parte JIE LIANG,
STEPHEN HSIAO-YILI, RAJENDA K. TALLURI,
FRANK L. LACZKO and PAUL Y. CHIANG

Appeal No. 2003-2086
Application 09/089,290

ON APPEAL

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before HAIRSTON, JERRY SMITH, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 5.

The disclosed invention relates to a method of decoding video containing predicted frames.

Claim 1 is illustrative of the claimed invention, and
it reads as follows:

1. A method of decoding video containing predicted
frames, comprising the steps of:

- (a) decoding a first macroblock of a first predicted
frame at a first resolution and decoding a second
macroblock of said first predicted frame at a
second resolution greater than said first
resolution.

The reference relied on by the examiner is:

Civanlar et al. (Civanlar)	5,691,768	Nov. 25, 1997
		(filed July 7, 1995)

Claims 1 through 5 stand rejected under 35 U.S.C.
§ 102(e) as being anticipated by Civanlar.

Reference is made to the final rejection (paper
number 17), the brief (paper number 19) and the answer (paper
number 20) for the respective positions of the appellants and
the examiner.

OPINION

We have carefully considered the entire record before
us, and we will sustain the anticipation rejection of claims 1
through 5.

Anticipation is only established when a single prior art reference discloses every limitation of the claimed invention, either explicitly or inherently. Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir.), cert. denied, 516 U.S. 988 (1995). The examiner has made findings (final rejection, page 3) that Civanlar discloses all of the limitations of claim 1. Appellants argue (brief, page 3) that "Civanlar item 401 is a partitioned buffer containing plural images of varying resolution but which are treated as a single image by standard MPEG decoder 402 and decoded as such (column 11, lines 50-60)." Stated differently, "MPEG decoder 402 does not change decoding resolution during its decoding as required by claim 1" (brief, page 3).

In response to appellants' arguments, the examiner states (answer, page 4) that:

. . . it is noted that the features upon which applicant relies (i.e., [MPEG decoder 402 does not] change decoding resolution during its decoding) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to the appellants' argument concerning the operation of the decoder 402, the examiner replies (answer, page 5) that:

. . . Civanlar et al discloses a decoder 402 for decoding one or more macroblocks (e.g. 1, 4, 7) of a single frame 401 in at least two different resolutions (e.g. 320 x 240 and 160 x 112). Macroblock 1 is decoded at a resolution greater than macroblock 4.

We agree with the examiner's rationale that the decoder 402 performs the claimed method. The portion of Civanlar referenced by appellants (i.e., column 11, lines 50 through 60) clearly explains that the decoder 402 decodes individual macroblocks in the stream of macroblocks from the frame buffer 401. Thus, the anticipation rejection of claim 1 is sustained. The anticipation rejection of claims 2 through 5 is likewise sustained because appellants have chosen to let all of the claims on appeal stand or fall as a single group (brief, page 3).

DECISION

The decision of the examiner rejecting claims 1 through 5 under 35 U.S.C. § 102(e) is affirmed.

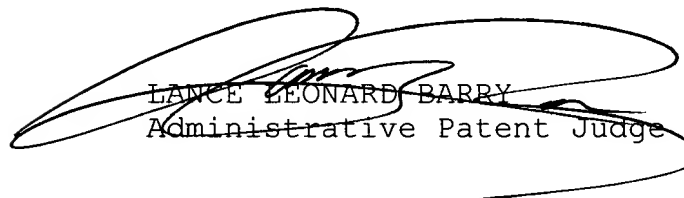
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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED


KENNETH W. HAIRSTON)
Administrative Patent Judge)


JERRY SMITH)
Administrative Patent Judge)


LANCE LEONARD BARRY)
Administrative Patent Judge)

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